

**ILLINOIS STATE POLICE MERIT BOARD  
OF THE STATE OF ILLINOIS**

**IN RE THE MATTER OF:**

**SPECIAL AGENT CARLTON REIVES  
LD. # 4244**  


**Illinois State Police  
Merit Board No. 16 - 02**

**DECISION**

THIS CAUSE comes before the Merit Board on a one-count *Complaint* filed by Leo P. Schmitz, Director of the Illinois State Police, following a full hearing before duly appointed Merit Board Hearing Officer Thomas E. Johnson.

**FINDINGS OF FACT**

The Merit Board, having reviewed the charges filed, the evidence and testimony submitted, the Briefs of Counsel, and the Hearing Officer's *Recommended Findings of Fact and Conclusions of Law*, does hereby adopt and incorporate herein the Hearing Officer's *Recommended Findings of Fact and Conclusions of Law* for Count I, Count II, and Count III of the *Complaint*.

Based on the evidence present in the record, the Merit Board finds Special Agent Reives guilty of violating the Department's Rules of Conduct (ROC) as alleged in Count I of the *Complaint*. Specifically, the Merit Board finds by a preponderance of the evidence that Special Agent Reives violated ROC-002, Paragraph III.A.33 in that he submitted a report that was not truthful and complete, and knowingly made false statements in connection with a Department inspection report regarding video gaming enforcement inspections he conducted during an

overtime compliance detail on January 24, 2016, by knowingly documenting untruthful arrival times to the establishments he inspected.

Based on the evidence present in the record, the Merit Board finds Special Agent Reives guilty of violating the Department's ROC as alleged in Count II of the *Complaint*. Specifically, the Merit Board finds by a preponderance of the evidence that Special Agent Reives violated ROC-002, Paragraph III.A.33, in that he submitted a report that was not truthful and complete, and knowingly made false statements in an official Department Memorandum, dated February 16, 2016, when he documented untruthful arrival times to the establishments he inspected on January 24, 2016.

Based on the evidence present in the record, the Merit Board finds Special Agent Reives guilty of violating the Department's ROC as alleged in Count III of the *Complaint*. Specifically, the Merit Board finds by a preponderance of the evidence that Special Agent Reives violated ROC-002, Paragraph III.A.40, in that he failed to truthfully answer questions specifically directed to him and related to the scope of his employment when he was ordered by his superior officers, Master Sergeant William Doster and/or Sergeant Thomas Griffin, to document his arrival times to the establishments he inspected on January 24, 2016, and submitted an official Department Memorandum containing false arrival times.

#### **PENALTY**

The Board has considered all aggravating and mitigating evidence presented in this matter. The record contains significant evidence concerning the practice and procedures for investigative checks during the 2016 Super Bowl inspections. The Merit Board understands the specific charges in this case do not deal with Special Agent Reives' conduct during the investigations. The penalty in this matter is not based on the manner in which Special Agent

Reives conducted the investigative checks, or any allegation of unwarranted overtime pay.

Rather, the penalty imposed is based upon the charges filed in the complaint.

Special Agent Reives submitted two separate reports stating that his inspections took place over the full five hours of his shift. Special Agent Reives conceded that he did not inspect any locations after his lunch break at 2:20, but still submitted to reports stating that he conducted investigative checks at 3:00 and 4:00. His failure to truthfully account for his time in either the LLIR forms or his official Department Memorandum shows a significant failure of integrity on his part. It is, therefore, the unanimous decision of the Merit Board to suspend Special Agent Reives for a period of sixty (60) days.

Dated this 14 day of October, 2017.

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Reeve Waud, Chairman  
State Police Merit Board, State of Illinois

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STATE OF ILLINOIS  
ILLINOIS STATE POLICE MERIT BOARD

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MERIT BOARD

IN THE MATTER OF:

SPECIAL AGENT CARLTON REIVES  
I.D. No. 4244

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Illinois State Police  
Merit Board No. 16-2

RECOMMENDED FINDINGS OF FACT AND CONCLUSIONS OF LAW

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## **I. BACKGROUND**

### **A. PLEADINGS**

This matter comes before the Illinois State Police Merit Board on the three-count complaint of the Illinois State Police (“ISP”), filed by Director Leo P. Schmitz on October 19, 2016. The complaint seeks a suspension of over 30 days for Special Agent Carlton Reives on grounds that he submitted false inspection reports (Count I), submitted a false Department Memorandum when asked about his inspection reports (Count II), and failed truthfully to answer the questions of his superior officers when he submitted the false Department Memorandum (Count III).

### **B. PREHEARING PROCEDURES**

On October 19, 2016, Leo P. Schmitz, Director of the Illinois State Police (“ISP” or “petitioner”) filed the Merit Board Complaint. Discovery ensued and the original hearing officer (Terry Chiganos) reviewed documents claimed as privileged, ruling on whether the privilege applied. The hearing was continued from time to time by agreement of the parties, but after completion of discovery, a hearing was held on May 22 and 23, 2017, at the James R. Thompson Center in Chicago, Illinois.

### **C. HEARING**

Testimonial and documentary evidence was presented during the hearing. Following the close of the evidence at the hearing, a briefing schedule was established for simultaneous written closing arguments to be filed by July 19, 2017. Pursuant to this schedule, the Hearing Officer’s Recommended Findings of Fact and Conclusions of Law were to be submitted by September 5, 2017. This decision is timely filed.

### **i. Hearing Witnesses**

The following witnesses testified at the hearing in this case. The number in the parentheses indicates the page numbers of the transcript of the proceedings where each witness' testimony begins:

1. Special Agent Carlton Reives (10, 221)
2. Commander Frank Spizzirri (43)
3. Lieutenant William Doster (86)
4. Colonel Joanne Johnson (127)
5. Sgt. Thomas Griffin (166)
6. Trooper Boram Kim (199)
7. Master Sgt. Matthew Gainer (271)

### **ii. Exhibits Received Into Evidence**

<u>Exhibit No.</u>	<u>Description</u>	<u>Marked</u>	<u>Admitted</u>
<b>Petitioner's Exhibits</b>			
Pet's 1	License Location Inspection Reports	22	22
Pet's 4	Illinois Tollway Account History Report	35	36
Pet's 5	Memorandum, dated Feb. 16, 2016	37	37
<b>Respondent's Exhibits</b>			
Resp.'s 1	Illinois Gaming Video Gaming Licensed Location Inspection Report	198	198
Resp.'s 2	Illinois Gaming OPS Plan Super Bowl	81	81

Inspection Detail

Resp.'s 3	ISP Complaint dated Feb. 25, 2016 vs. Special Agent Reives	80	80
Resp.'s 4	ISP Complaint dated March 1, 2016 vs Special Agent Reives	109	110
Resp.'s 5	Memo from Sgt. Griffin to Lt. Doster, dated February 9, 2016	111	111
Resp.'s 6	ISP Evaluation Materials related to Special Agent Reives	198	198
Resp.'s 7	Memorandum from Trooper Boram Kim, dated February 16, 2016	219	219
Resp.'s 8	Resume of Special Agent Reives	223	223

**D. POST-HEARING PROCEEDINGS**

There were no post-hearing proceedings in this matter, other than the filing of the parties' post-hearing briefs, which were filed on July 19, 2017.

**II. SUMMARY OF THE EVIDENCE**

The following is a brief review of the evidence submitted in this case as determined by the Hearing Officer. This review does not include a recitation of all of the evidence presented in the case and is not intended to be an all-inclusive summary of the evidence. Instead, it is intended to serve as a guide for the basis and understanding of the Recommended Findings of Fact and Conclusions of Law submitted by the Hearing Officer. The Hearing Officer has specifically considered all of the testimony and exhibits introduced in this case and the arguments, both written and oral, of the attorneys on behalf of the parties. The fact that many of the specifics of the testimony, documents,

and arguments are not included in this summary should not be interpreted to mean that these have not been fully considered by the Hearing Officer.

## **WITNESSES**

(The references in parentheses refer to transcript pages unless otherwise indicated.)

### **SPECIAL AGENT CARLTON REIVES**

(Called as an Adverse Witness in the Department's Case and in Respondent's Case)  
(10, 221)

Special Agent Carlton Reives ("Respondent") is a 28 year veteran sworn officer with the Illinois State Police ("ISP") and is currently assigned to the Illinois Gaming Board ("IGB" or "Board") command. (11-12) Although Reives received extensive training with the ISP; he did not receive any training specific to the IGB. (12-13) Reives' job performance has been favorably reviewed, until recently (228). (Respondent Ex. 6)

As part of Respondent's job duties with the IGB, he inspects establishments who have gaming licenses or video terminals in their establishments. (12) Inspections involve printing out a blank inspection form and an RTT sheet which shows which games are supposed to be inside the location, then "going to the establishment, speaking to the person that's working [there], identifying them, and going over the checklist that's on the inspection sheet, making notes on the inspection sheet, and also making sure that the VGTs or Video Gaming Terminals are there that's listed on the RTT, and making sure they have valid local, State liquor licenses, and US Department of Justice registrations." (14-15, 226) These routine or annual inspections are done by ISP personnel working alone. (228) In addition, for Super Bowl inspections, he also looks for sheets called "squares" in which people bet on the score at the end of quarters and the game. (15-16) At the inspection site,

he fills out the paper checklist form. This paper checklist form does not call for any report on the time of the inspection. (24) He also must electronically file a Licensed Location Inspection Report (“LLIR”) for each inspection. (24) This electronic inspection report is done some time later than the inspection. The electronic inspection report does call for the inspector to report the time of arrival. (See Pet’s Ex. 1) The electronic filing then generates a final printed inspection report for each licensed establishment which does not contain the time of the inspection. (227 and Respondent’s Ex. 1) All of this is in contrast to a final report when a violation is found. Then a Video Incident Report (“VIR”) is prepared which includes photographs and inspection times. (226-228)

Respondent was assigned to a five-hour overtime inspection detail scheduled for January 24, 2016, to inspect for illegal gambling related to the 2016 Super Bowl. (13) In Respondent’s view, Super Bowl inspections are no different from routine inspections. (229-230) Respondent did not receive any Operational Plan or any other specific directions for the 2016 Super Bowl inspections. (231) The agents were allotted up to five hours of overtime for this detail. (63) As part of this detail, he was paired with Trooper Boram Kim and assigned to inspect ten establishments. Agent Kim and Respondent divided up the ten inspection sites and each conducted five inspections on January 24, 2016. (202, 230-31)

It was Respondent’s understanding that he was entitled to over-time pay for these five hours even if the inspections took less time because he was “on air” for the entire five hours. (16) It was also Respondent’s understanding that he and his partner could split up the specific establishments and perform the inspections individually. (231,233) Neither Boram Kim nor Respondent were disciplined for splitting up the inspection list or for obtaining overtime pay for the full five-hour

shift, even though both of them completed their work in less than five hours. (See, complaint).

The paper inspection reports that Respondent filled out at the five locations he inspected on January 24, 2016 were accurate, as they did not ask for a time that he arrived or completed his investigation (22) However the electronic inspection reports (“LLIRs”) that Respondent filed on January 26, 2016 (two days later) (238) were inaccurate in that they did not accurately report the times of the inspections and flipped the order of inspection concerning the first and second site. (23-24, 241) Respondent’s electronic LLIRs list the time he inspected the establishments as 12:00, 1:00, 2:00, 3:00, and 4:00. (Pet’s Ex. 1) In fact, all of the inspections occurred before 2:28 p.m. (227) Respondent filled out the electronic LLIRs a couple of days after his Super Bowl detail. (243) When his electronic LLIRs are printed out, to be sent to anyone, the final printed version does not include the times of his inspection (226-28), which suggests to Respondent that the time of the inspection (where no violation is found) is not important. (228) If there is a violation found, then an entirely different report, called a VIR (video incident report) is filled out and the time of the violation is included. (228)

Respondent agrees that one of his job responsibilities is to accurately document the facts pertaining to his investigation and inspections. But he believes that he is only required to “guesstimate” the time of arrival for his inspections when he files the electronic LLIRs, where there were no violations. (25)

On January 24, 2016, Respondent completed his last inspection at about 2:20 p.m. (27) He then was on call. (28-29) He went to lunch, passing through a toll location on I-88 at 2:38 p.m. (28; Pet’s Ex. 4) Respondent concedes that thereafter he did not fill out any paper or electronic inspection reports, did not do any additional inspections and did not call in for any other inspections

. (40) He remained on call until 5:40 p.m, when he signed off the air after reporting the results of his inspections to Sgt. Griffin (28-29, 245-46) When Respondent finished his inspections at 2:20 p.m., he did not call into his commanding officer to report on his status until his shift time was complete at 5:00 p.m. (41) Respondent did not know he had a duty to call in and testified he is not being disciplined for any failure to call in. (41-42)

After the January 24, 2016 inspections, Respondent was asked to complete a written report regarding that day's activities by Sergeant Griffin. (36) Respondent prepared this written report on February 16, 2016. (Pet's Ex. 5.) It was based on the electronic LLIRs he had previously filed and contains the same inaccurate report of the order of inspection of the first and second sites and the inaccurate times in which he did the inspections. (38-39)

After Super Bowl 2016, the Operations Plan Detail for Super Bowl inspections was changed to indicate that each establishment had to be inspected in teams, more locations have been added for inspections, and laptops cannot be used during the inspections. (232-233)

Before these changes to the Operations Plan, Respondent testified it was routine and common practice for agents to perform Super Bowl inspections alone, to split the inspections up between them, and to obtain five-hours of overtime pay whether or not the inspections took five hours. (233) Respondent received no information to the contrary. (234)

When Respondent wrote his memorandum detailing the events of his 2016 Super Bowl inspection (Respondent Ex. 5), he used the electronic inspection report he had previously filed as the basis for the information in the memorandum. (Complainant Ex. 1) (243)

Respondent believes he did not knowingly or intentionally commit any of the violations of which he is accused. (252) The only problem, according to him, was that his underlying notes were

insufficiently accurate. *Id.* He says he had no motive to lie about the times of the inspections because he gained nothing by an inaccurate report. Respondent believed he was entitled to the overtime for the full five-hour shift and he did not err when splitting up the inspections with Boram Kim. He thought that it was important to be accurate in reporting the time of an inspection only if a violation was found, and he did not find any violations on January 24, 2016 (225).

Respondent disputes Complainant's claim that Super Bowl inspections need to be conducted in pairs for safety reasons because the times of the inspections are during regular work hours and the work is no more dangerous than during routine inspections, which are done solo. (263)

Respondent has never received any suspensions in his 28 years with ISP (267) His professional background, including training, is included in Resp.'s Ex. 8.

#### **COMMANDER FRANK SPIZZIRRI**

(43)

Commander Frank Spizzirri has been Commander of the IGB since August 2015; he is Deputy Administrator of Enforcement and manages ISP operations relating to video gaming and casinos for the Gaming Board. (44) He oversees all 89 ISP staff assigned to the IGB. (44-45) After Super Bowl 2016, Commander Spizzirri learned that officers such as Respondent were not given an Operations Plan for the inspections or a briefing about how to conduct the inspections, and that some officers had worked the detail separately and not in teams. (46-47, 67-68, 82) He also learned that officers on the Super Bowl inspection detail received overtime for the full five-hour shift even though they rarely needed that much time for the inspections. (54) He also learned that the blank inspection sheets did not contain a space for the time of the inspection. Commander Spirizzi learned

this information as a result of his investigation of a violation Respondent's partner, Trooper Kim, found on January 24, 2016. (51-52).

Thereafter, Commander Spizzirri revised the Super Bowl Inspection Operations Plan to reflect the policy that 1) officers should receive a copy of the Operations Plan; 2) officers should work in teams; and 3) increased the number of sites to be inspected per shift. (61, 62, 65, 77, 82) He also changed the blank inspection sheet form to include the time of the inspection.

Neither Boram Kim nor Respondent were disciplined for splitting the inspections up, performing the inspections individually or taking overtime pay for the full five hour shift. (57) Commander Spizzirri did testify that if a Special Agent finished his assignments early, he can be done with his assignments and "go off the air", go and complete his electronic LLIR reports, or call the supervisor to get additional inspections. (50)

When asked to explain why accurately reporting the time on the electronic LLIR was important, Commander Spizzirri said, "[A]nytime you do any type of report and you put down the time on the report, it becomes important because of the potential for future violations for that location or review by the Board." (48) Commander Spizzirri, however, conceded the final reports printed out on inspections, that would be sent to the Gaming Board, did not contain the time of inspection in 2016 (59-61)

When asked to explain why working in pairs was important, Commander Spizzirri explained that officers work in pairs because of safety issues or for violations found. (48) He conceded, however, that for annual inspections and on other regulatory inspections, officers work alone. (68)

**LT. WILLIAM DOSTER**  
(86)

William Doster is an ISP Lieutenant and the Operations Officer for the video gaming unit for the northern part of Illinois. Since September 2014, he has supervised the video gaming squad and he was in charge of the January 24, 2016, Super Bowl inspections. (87) In his view, these inspections typically take ten minutes if there are no violations and ten inspections, with travel time would take approximately 3 hours to complete. (89, 99-100) There was an Operations Plan for the conduct of these Super Bowl inspections, but Lt. Doster agreed it was never given to Respondent or his squad. (107)

After the Super Bowl 2016 inspections, Lt. Doster learned that some officers had conducted their inspections alone. (102) He learned that these officers had never been given direction either way on whether this was appropriate. (102) Indeed, Sgt. Griffin informed him by memo that he did not grant or deny permission to work solo on this detail (Respondent's Ex. 5). Lt. Doster testified that if investigators finished early, they should only take the time actually spent working. (99) Lt. Doster conceded, however, there was no allegation here against Respondent for taking excessive overtime or for dividing the sites with Officer Kim. (100-101)

Although Lt. Doster stated that is was important that the time of the inspection be accurate, he admitted that the time was not included on the blank inspection sheets used at the premises or on the final, electronic printed reports. (102) He also conceded any litigation would rely on the Video Incident Reporting system and not the electronic LLIRs. (101-102).

Respondent was assigned to work the 2016 Super Bowl shift with Trooper Boram Kim. Trooper Kim found a violation at one of his sites, and wrote up a VIR report (Video Incident

Report). It was Lt. Doster's review of this VIR report that let him know the Respondent and Trooper Kim had split up their sites. (105-106). This ultimately led to the investigation of the inspection times listed by Respondent on his electronic LLIRs. Lt. Doster ordered Sgt. Griffin (Respondent's direct supervisor) to require a written report from Respondent about his activities on January 24, 2016. (97). This prompted Respondent's February 16, 22016 Department Memorandum (Pet's Ex. 5).

In Doster's April 21, 2016 evaluation of Respondent, he gave Respondent seven skilled ratings and highly skilled ratings in communications and organizational pride. (120-121)

**COL. JOANNE JOHNSON**  
(127)

Joanne Johnson is a 27-year veteran of the ISP and since November 2016, she has been a colonel with the ISP Division of Internal Investigations. (128-129) Col. Johnson believes Respondent violated ROC-220 par III.A.33 when he put inaccurate times and an inaccurate order of inspections in his reports. (134-135) She also believes that Respondent violated ROC-002 par III.A.40 when he falsely documented the inspection times in his memorandum to Sergeant Griffin. (138). Col. Johnson agrees that the operative facts of Counts II and II are identical. (142) Johnson believes that under ROC-002 par III.A.33, the officer must knowingly prepare false reports. (158-159) In Johnson's view, if an officer knowingly falsifies any information in an official record or report for the department, this would violate ROC-002, par. III A.33. (134) This is a level 5 misconduct. (136) Level 5 misconduct would be 61 to 90 day suspension. (137) Count III involves ROC-002 par III.A.40 and pertains to situations in which an officer is being asked for information by a supervisory officer specifically about employment. (137-139) This is a Level 4 misconduct

(137) Level 4 misconduct discipline is 31-45 days suspension. (138) The Disciplinary Board and the Colonel recommended a suspension of over 30 days for Special Agent Reives; no more specific guidance was given. (140-41) The reason for charging both Counts 2 and 3 are that “when our officers conduct investigations, and they submit charges at the end of the investigation up to our ISP legal office for review, they are trained and instructed to submit any and all applicable charges based on the outcome of the investigation.” (141)

Col. Johnson conceded that the Merit Board is not bound by the Disciplinary Matrix that approximates days of suspension for the violation of various charges. (154) Col. Johnson testified that ROC-002, par. III.A.40 applies when an officer is questioned by the DII during a formal investigation but also applies whenever a superior officer requests information from an ISP member. (160)

**SGT. THOMAS GRIFFIN**  
(166)

Sergeant Thomas Griffin was a supervisor of Respondent in January 2016. He gave out the inspection assignments for Super Bowl 2016 inspections. (168) At the time he prepared the assignments, the Operational Plan was not prepared, so Griffin could not give his squad a copy of the Operational Plan for the detail. (181-182) While he assigned his squad to work in teams, he neither gave nor denied permission to work alone (Respondent’s Ex. 5). He was aware that officers worked on their own in previous assignments. (181) He testified at the hearing that if an officer completed his work in less than five hours, he should have asked for more inspection sites or gone home and not collected five hours of overtime (174-75), but there was no briefing or Operational Plan that said this at the time of the assignment. (182) After these inspections, at the instance of Lt.

Doster, Sgt. Griffin ordered Respondent to prepare a report of his actions during the inspection on January 24, 2016. (173)

Griffin reviewed Respondent's electronic LLIRs for the January 24, 2016 inspections on January 27, 2016. (176) During this review he was looking for validity of liquor licenses, typos, various spelling, and violations. (176) Before this incident, he had never before paid attention to the time of the actual inspections because it was not important, as "there is no time on that [the final version of the] printout." (177)

On October 18, 2016, Sgt. Griffin evaluated Respondent and found that Respondent met six expectations in six skills and exceeded expectations in three skills. In that report, Griffin said that Respondent consistently completes numerous licensing investigations in a timely and effective manner and that his documentation contains all of the required information. (186) (Respondent's Ex. 6) Griffin was never told by his supervisors that Respondent had inaccurately completed his Super Bowl 2016 inspection reports. (191)

**TROOPER BORAM KIM**  
(199)

Boram Kim is a trooper with sixteen years of experience at ISP, assigned to IGB for the last six years. (199) One of his duties is to inspect locations; this consists of checking CO numbers on the gaming terminals, checking liquor licenses, monitoring signage, and ensuring there is no under age play or illegal gambling. (200) Initial and annual inspections are done alone. (200-201)

Trooper Kim worked a Super Bowl 2016 detail, which was a five-hour overtime detail, to inspect different establishments. (201) The only difference between this detail and regular annual

inspections is that you have a team member. (201) He did not receive any Operations Plan or briefing about this detail. The only thing his supervisor gave him was a list of locations to inspect. (201) He was not told that he and his team member had to inspect the ten establishments together. (202) His usual practice was to divide up the list of establishments with his partner and have each officer inspect alone. (202) This was common practice among the agents on the 2016 Super Bowl inspections. (203)

During his first inspection on January 24, 2016, Trooper Kim found illegal gambling “squares” and completed a Video Incident Report detailing what he found. (204) When Lt. Doster reviewed this report, he learned that Trooper Kim was not working together with the Respondent. (205)

Trooper Kim took notes of his inspections that day on a laptop computer he carried with him. His last inspection that day began at 2:30 p.m. (206). He later provided information on the time and location of each of his inspections, at the direction of his supervisor. (204) His report is set forth in his Department Memorandum dated February 16, 2016 (Respondent’s Ex. 7). He knew the time of his inspection exactly because he was making his electronic LLIR report directly and simultaneously with his inspection on his laptop computer. (206) That is, there were no paper notes. Even then the time reported was not strictly “accurate” because the time he pulls up the form was not necessarily exactly the time he began the inspection. (215) Kim’s understanding was that after he completed all his inspections, he could continue making notes regarding his inspections. (208) At about 3:45 p.m., he went to the wake of the father of another agent. (209) Kim did not notify his supervisor that he was doing this and he was suspended for three days for failure to notify his superior. (210) He was not disciplined for splitting up the list of establishments to be inspected with

Respondent or for obtaining overtime pay for the full five-hour shift. (209-210) All the other troopers on that Super Bowl detail were paid for the full five-hour overtime shift, though he knows some completed their inspections before the five-hour shift was over. (210) After Super Bowl 2016, a new Super Bowl Inspection Operational Plan was released. (211) This new plan specified that agents need to be paired for the inspections and the number of locations to be inspected was increased. (211) Kim believes the increase in the number of establishments to be inspected was instituted to ensure that the officers would work longer during their shifts. (211)

In Trooper Kim's view, the actual time of an inspection is irrelevant because if there is no violation at the site, then the only thing that is done with the report is that it is mailed to the establishment. (208) The time is relevant only if a violation was found. (216-17.) He did concede, however, that if there was an original inspection at a location and no violations were found, but a second inspection later that day found violations, it might be important to know what time the first inspection took place. (215-216)

**M/SGT. MATTHEW GAINER**  
(271)

Master Sgt. Mathew Gainer is a Master Sergeant with ISP and a 20-year employee. (272) He supervised Respondent in 2013 in the technical investigations unit. (272) In Gainer's opinion, Respondent was an above-average special agent, and Respondent was willing to do anything you asked of him. (274) Gainer never had any problems with Respondent's written reports. Gainer rated Respondent highly skilled in communication, problem recognition and organizational pride. (275) Gainer considered Respondent as having the utmost professionalism. (277)

### **III. GENERAL FINDINGS OF FACT**

The Hearing Officer makes the following general findings with respect to the charges alleged in the Complaint:

#### **The Propriety of Overtime Compensation and the Respondent's Decision to Work Independently of His Partner Are Not Issues Before the Merit Board**

The Illinois State Police elicited testimony from Commander Spizzirri, Lt. Doster and Sgt Griffin that officers assigned to the 2016 Super Bowl Illinois Gaming Board inspection detail were not to collect overtime pay for the period after they completed their final inspection. Their position was that while an officer could request additional inspection sites or stay on duty in order to complete their inspection reports, they could not simply, as Respondent testified, "stay on the air" and earn overtime pay. It is clear, however, from the charges themselves, as well as the testimony of Col. Johnson, Commander Spizzirri, Lt. Doster and Sgt. Griffin that Respondent is not charged with abusing the ISP overtime system or with collecting overtime pay to which he was not entitled. The record makes it clear that in 2016, it was common practice for officers on these inspection details to secure five hours of overtime, while on duty, whether they were actively engaged in inspections or otherwise. This was all confirmed not just by the Respondent and by Trooper Kim, but more importantly, by the failure to make this a charge in this case.

There is also no charge leveled against the Respondent that he improperly worked alone on these inspections, as opposed to working with his partner Trooper Kim. Both the Respondent and Trooper Kim testified this was common practice, and Sgt. Griffin confirmed that this had regularly occurred. Even Commander Spizzirri testified that officers often worked alone in conducting annual and other regulatory inspections. Sgt. Griffin confirmed in writing to Lt. Doster (Respondent's Ex.

5) that he had not provided direction, one way or the other, to his squad as to whether they could work alone on the January 24, 2016 Super Bowl inspections.

All of the witnesses agree that prior to the January 24, 2016 Super Bowl inspections, Respondent and his squad were never provided a briefing or a copy of the Operational Plan for these inspections, and thus did not receive direction on whether to work in pairs or in terms of what to do if they finished their inspections early. After these 2016 inspections, the ISP has changed its Operational Plan, as Commander Spizzirri testified, to require Super Bowl inspections to be undertaken in pairs, and to add to the officers' workload in order to make better use of their time. These changes, however, were not in effect at the time of the January 24, 2016 inspections at issue here. In the absence of proper direction from the Department about how the officers should conduct these inspections and how they should use their overtime, the ISP has properly not charged the officers with misconduct on these points. As such, whether Respondent improperly divided work with his partner or was paid too much in the form of overtime pay are not issues before the Merit Board in this case.

**The Question Before the Merit Board Is Whether the Respondent Falsified Information  
In His Inspection and Departmental Reports**

There is no question on this record that the Respondent's electronically produced Licensed Location Inspection Reports (Pet's Ex. 1) do not contain accurate information about the times he visited the five establishments on his January 24, 2016 inspection list. Special Agent Reives conceded that he finished his inspections on January 24, 2016 at about 2:20 p.m., which is confirmed by the tollway document showing him on I-88 headed to lunch at 2:38 p.m. Yet, the electronic version of his inspection reports (Pet's Ex. 1) show him arriving at the final two locations at 3:00

p.m and 4:00 p.m respectively<sup>1</sup>.

There is also no dispute that Special Agent Reives did not have to record the times of his inspection visits on the blank sheets he filled out by hand at the various sites. He had to re-construct the times a couple of days later when he filled out the electronic version of the inspection reports. Special Agent Reives concedes that his after the fact “guesstimates” on time were erroneous, but not intentional. There is a dispute in the record about how important accurate times of inspection are, when no violations are found. However, there is no dispute that once Special Agent Reives finished his 2016 reports, if a final report had to be printed for the Gaming Board or presumably anyone else, the final printed version of the inspection reports would not contain the times of the inspections. This is confirmed by both Special Agent Reives and Commander Spizzirri, though the final version of the reports has since been changed to include the time of inspection.

**Counts I and II.** These counts of the Complaint charge separate violations of ROC-002, Par. III.A.33. Count I asserts Special Agent Reives was not truthful on his arrival times, when he completed the electronic version of his LLIRs, and Count II asserts he was not truthful on his arrival times, when he completed the Department Memorandum, required by Sgt. Griffin (which is Pet.’s Ex. 5). ROC-002, Par. III.A. 33 requires the Illinois State Police to prove that Special Agent’s false reports were “knowingly made”. “Knowingly” is not defined in the Illinois State Police Rules of Conduct, but the term is well understood in Illinois law. For example, the Illinois Whistleblower Reward and Protection Act that proscribes “knowingly” making a false claim, defines “knowingly” as when: “a person, with respect to information: (1) has actual knowledge of the information; (2) acts

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<sup>1</sup> Special Agent Reives conceded that his electronic LLIR forms, and his February 16, 2016 Department Memorandum, also reversed the order of the first two establishments he visited. (37-38, 241).

in deliberate ignorance of the truth or falsity of the information; or (3) acts in reckless disregard of the truth or falsity of the information, and no proof of specific intent to defraud is required”, **740 ILCS 175/3(b); and see, State ex rel. Beeler, Schad & Diamond, P.C. v Ritz Camera Ctrs, Inc., 377 Ill.App.3d 990, 995, 878 N.E.2d 1152, 1157 (1<sup>st</sup> Dist. 2007)**. Cases in other contexts define the term similarly, e.g. **720 ILCS 5/4-5; and People v Weinke, 2016 IL App (1<sup>st</sup>) 141196, 50 N.E.3d 688, 697-98 (1<sup>st</sup> Dist. 2016)** (finding that an assistant state’s attorney had knowingly made a false statement, in violation of Illinois Rule of Professional Conduct 3.3(a)(1) by representing a victim’s medical condition to be dire without ever having seen the victim’s medical records or spoken with her doctors).

Here, there is no doubt that Special Agent Reives “knowingly” supplied false information on his electronic LLIR reports (two days after the actual inspections) and in his February 16, 2016 Department Memorandum (Pet’s Ex. 5). Special Agent Reives was in the field at noon on January 24, 2016 (240), and inspected only five locations, all of which were in the community of North Riverside, Illinois (Pet’s Ex. 1), in relatively close proximity to each other. He knew the location and proximity of these licensees. He knew these inspections were routine and that he had found no violations. While Special Agent Reives claimed not to recall how long the inspections took (17-18), it is clear from his description of what he did at each inspection that they did not take long and were likely in the five to twenty minute range that Sgt. Griffin (169), Lt. Doster (88) and Commander Spizzirri estimated (47). Special Agent Reives further recalled that he went to lunch at the Pappadeaux restaurant in Westmont after he was done with his inspections (27-28), which the tollway records establish was about 2:38 p.m. Special Reives must have recalled (only two days later) that he did not perform inspections during the last half of his shift, and that he sat idle from

2:20 p.m. (by his account (27)) until he went off the air at 5:40 p.m. (245-46). Certainly, he knew he was not doing inspections at 3:00 p.m. and 4:00 p.m., as his reports indicated. As such, his electronic LLIR reports were knowingly false.

Three weeks later, his superior (Sgt. Griffin) asked him to write a Department Memorandum detailing the activities he performed on January 24, 2016 with the Super Bowl detail (36). A supervisor's request for a written Department Memorandum should prompt an officer to use extra care in providing information to ensure that it is accurate. This duty was underscored here by Lt. Doster who told Sgt. Griffin that the Departmental Memoranda from Special Agent Reives and Trooper Kim were fact-finding memos and that the officers had to be "100 percent honest on what they documented, and what their activities were that day". (97, and see, 172-74) If Special Agent Reives was actually unsure of his arrival times at the various locations, he could well have said that he did not record those times and could not vouch for any particular time. He could have explained that his times were just "guesstimates" and he had no way to verify the times. He did neither. He supplied specific times for each inspection that he had to know were not accurate. As such, he knowingly supplied false information in his February 16, 2016 Department Memorandum.

There was a substantial amount of testimony and argument about whether the arrival times at the various inspection locations were important where, as here, Special Agent Reives found no violations. There is, however, no materiality requirement in ROC-002, Par. III.A.33, and certainly an officer's belief that information was not important does not give that officer a right to provide false information. The significance of the false information may well bear on the penalty to be imposed on Special Agent Reives but it is irrelevant to whether he is guilty of the charges filed.

**Count III.** This count charges a violation of ROC-002, Par. III.A.40, which requires officers

to truthfully answer questions put to them related to their scope of employment and operations. It prohibits any false statement and there is no requirement that the Illinois State Police demonstrate that false statements were “knowingly” made. The charge is that Special Agent Reives was not truthful in documenting his arrival times at the inspection sites in his February 16, 2016 Departmental Memorandum. As explained above, it is clear (as he conceded) that his Departmental Memorandum contains false information, both in terms of his arrival times at the various locations and the sequence in which he visited the locations. While the Respondent maintains that this paragraph of the Rules of Conduct is primarily used when an officer gives a false statement to the Department of Internal Investigations, and Col. Johnson agreed this is one time it is used (159), the language of the paragraph does not limit its use to DII interviews but rather, as Col. Johnson noted, it governs responses to any order from a superior, provided the order pertains to the officer’s scope of employment and operations of the Department. There is no question here that Sgt. Griffin’s order to the Respondent requesting a Departmental Memorandum was related to the Respondent’s scope of employment and the operations of the Department. Further, while Respondent claims Sgt. Griffin did not ask for his arrival times but more generally asked him to detail his activities on January 24, 2016, Sgt. Griffin was clear that he was looking for, among other things, Respondent’s arrival times at the various locations (173). This is corroborated by the fact that both the Respondent and Trooper Kim provided arrival times in their Memoranda (Pet’s Ex. 5 and Respondent’s Ex. 7).

#### **IV. SPECIFIC FINDINGS OF FACT**

The Hearing Officer makes the following specific findings of fact with respect to the charges alleged in the Complaint:

##### **1. COUNT I: SUBMITTING FALSE REPORTS—INSPECTION REPORTS**

Count I of the complaint alleges that Special Agent Carlton Reives submitted official Department inspection reports (LLIR forms) regarding video gaming enforcement inspections he conducted during an overtime compliance detail on January 24, 2016, in which he knowingly documented untruthful arrival times to the establishments he inspected, in violation of ROC-002, Par. III.A.33. The documents submitted into evidence, including the LLIR forms (Pet's Ex. 1), the tollway records (Pet's Ex. 4) and Special Agent's admissions that the arrival times on his LLIR forms are incorrect establish that these inspection reports were not accurate. The Hearing Officer finds that even though Special Agent Reives completed and filed these forms two days after he conducted the inspections, Special Agent Reives knew his reports were false, particularly that he was not inspecting locations at 3:00 p.m or 4:00 p.m on January 24, 2016, as the locations he inspected were all in close proximity and all in the town of North Riverside, Illinois, and contained no violations, meaning the inspections were routine and took no more than twenty minutes. Further, Special Agent conceded he did not inspect any locations after he took his lunch break at about 2:20 p.m. and the tollway records confirm the time of his lunch break. The Hearing Officer finds that Special Agent Reives knew, two days after his inspection, that he was not inspecting locations for the second half of his five-hour shift, but nonetheless supplied inspection reports that indicated he was engaged in inspections during the second half of his shift, and throughout his shift. The Hearing Officer finds Special Agent Reives' testimony that he could only guesstimate at his arrival times two days after the inspections to not be credible. As such, the Hearing Officer finds that Special Agent Reives violated ROC-002, Par. III.A.33, as alleged in Count I.

## **2. COUNT II: SUBMITTING FALSE REPORT–DEPARTMENT MEMORANDUM**

Count II of the complaint alleges that Special Agent Carlton Reives, in response to a direct

order from his supervisor, Sgt. Griffin, submitted an official Department Memorandum regarding video gaming enforcement inspections he conducted during an overtime compliance detail on January 24, 2016, in which he knowingly documented untruthful arrival times to the establishments he inspected, in violation of ROC-002, Par. III.A.33. There is no question that Special Agent Reives' Department Memorandum, dated February 16, 2016, falsely states his arrival times at the various locations he inspected on January 24, 2016. He conceded as much. The Hearing Officer finds that his superior Sgt Griffin told him he wanted him to recount his arrival times at the locations, as well as what he did during the shift, and admonished Special Agent Reives to be totally honest in his Memorandum. If, as Special Agent Reives claims, he was unsure of the times he visited the licensees, he should have stated this was the case. Instead, he chose to repeat the false information contained in his inspection reports, when the evidence demonstrates, he had to know that this information was false. As such, the Hearing Officer finds that Special Agent violated ROC-002, Par. III.A.33, as alleged in Count II.

### **3. COUNT III: FAILURE TO TRUTHFULLY ANSWER THE QUESTIONS OF A SUPERIOR OFFICER**

Count III of the complaint alleges that Special Agent Reives failed to truthfully answer questions directed to him by his superior, Sgt. Griffin, related to the scope of his employment, when he failed to truthfully document his arrival times at the establishments he inspected on January 24, 2016 in his Department Memorandum, dated February 16, 2016, in violation of ROC-002, Par. III.A.40. The Hearing Officer credits the testimony of Sgt. Griffin, as corroborated by Lt. Doster, that Sgt. Griffin ordered Special Agent Reives to document his activities on January 24, 2016, including his arrival times at the various licensed establishments. The Hearing Officer finds this order was

specifically directed and narrowly related to Special Agent Reives' scope of employment and the operations of the Department. Special Reives submitted a Department Memorandum, in response to this direct order, that contained demonstrably false information about the times he arrived and conducted inspections on January 24, 2016, while on the Super Bowl detail. As such, the Hearing Officer finds that Special Agent Reives violated ROC-002, Par. III.A.40, as alleged in Count III.

## **V. CONCLUSIONS OF LAW**

1. The Illinois State Police Merit Board has jurisdiction over the parties and the subject matter of this case.
2. This matter is decided exclusively on the evidence admitted at the hearing held in this case.
3. The burden of proof in this case rests upon the Illinois State Police. The Illinois State Police are required to prove the allegations of the Complaint by a preponderance of the evidence (80 Ill.Adm. Code, Ch. IV, §§ 150.665(f)). By requiring proof of a matter by a preponderance of the evidence, the Illinois State Police are required to prove that the matters asserted are more probably true than not true.
4. Concerning Count I of the Complaint, in accordance with the determination of the Hearing Officer above, the Hearing Officer concludes that the Illinois State Police has proven, by a preponderance, that Special Agent Carlton Reives violated ROC-002, Par. III.A.33.
5. Concerning Count II of the Complaint, in accordance with the determination of the Hearing Officer above, the Hearing Officer concludes that the Illinois State Police has proven, by a preponderance, that Special Agent Carlton Reives violated ROC-002, Par. III.A.33.
6. Concerning Count III of the Complaint, in accordance with the determination of the Hearing Officer above, the Hearing Officer concludes that the Illinois State Police has proven, by

a preponderance, that Special Agent Carlton Reives violated ROC-002, Par. III.A.40.

## **VI. PENALTY CONSIDERATIONS**

The Director of the Illinois State Police is seeking a suspension in excess of thirty (30) days for Special Agent Reives. The Hearing Officer fully realizes that the imposition of any penalty in this case, following a finding that Special Agent Reives is guilty of any charge alleged, is within the exclusive prerogative of the Illinois State Police Merit Board. Thus, no recommendation is made with reference to the appropriate penalty to be imposed in the event the Board finds Special Agent Reives guilty on one or more counts of this Complaint. However, in an effort to facilitate the Board's consideration of the evidence offered with reference to a possible penalty, the Hearing Officer will summarize the relevant evidence here.

Col. Johnson testified that these charges bear upon Special Agent Reives' integrity as an officer, which is of paramount concern to the Illinois State Police, particularly as it relates to the officer's ability to testify in court. (143).

On the other hand, the nature of the specific false statements in this case----the times Special Agent Reives arrived at the various licensee establishments where he did inspections and found no violations----does not appear to be a very important part of matter, in terms of Gaming Board enforcement or ISP policy at the time of the January 24, 2016 Super Bowl detail. As set forth above, the form Special Agent Reives filled out by hand at each location on January 24, 2016 does not ask for the time, and though a time for inspection is inserted electronically, the final printed reports kept by the Illinois Gaming Board (and both used by the Gaming Board and sent to those who seek these records through the Freedom of Information Act) do not contain information about the time of the inspections (see, Respondent's Ex. 1). Indeed, if a violation is found at a licensed location, an

entirely different set of forms is used, called the Video Incident Report, which does call for a documentation of the time of the infraction. Furthermore, no oral instruction from Special Agent Reives' supervisors or written Operational Plan underscored the importance of the times inspections took place, if no violation was found.

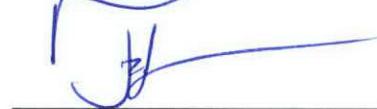
The Illinois State Police argue that if a licensed location was inspected twice in a day, and a violation was found on one inspection, it would be important to know the time of the other inspection as well to know the extent of the violation. This, however, seems like a contrived argument, as the official records of the Gaming Board do not include the time of inspections that produce no violations. There is no proof in the record that the Gaming Board would go to the underlying electronic inspection report of the ISP officer to secure a date for an inspection that was uneventful, and no evidence of this ever being important was offered by the Illinois State Police.

In addition, Special Reives is not charged here with receiving unwarranted overtime pay, or with violating any Illinois State Police rule when he split his team's ten assignments with Trooper Kim, and each did a solo inspection on five locations. So, it is hard to understand what motive Special Agent Reives would have for misstating his arrival times at the various locations. It would not have garnered him additional pay or a lighter workload. While the ISP changed the Operational Plan for these overtime inspection details after the events of this case had occurred, Special Agent Reives' penalty should be imposed only in light of the procedures in place back on January 24, 2016.

Perhaps most importantly, Special Agent Reives has served the Illinois State Police since September of 1989, for nearly 28 years. (221). During this period, Special Agent Reives has never been suspended for any misconduct. (267). His only infraction is a MASA letter because his identification was stolen from his car. (267). In addition, he has a long record of exemplary

performance evaluations, including from Lt. Doster and Sgt. Griffin. (See, Respondent's Ex. 6), which include positive marks for writing reports. This is corroborated by Master Sgt. Gainer, his former supervisor in 2013, who found Special Agent Reives to be very professional, highly skilled in communication and never to have had problems with his reports. He has considerable training in specialized areas, and has not only performed well at the ISP, but also worked with at risk children outside of work. (223). The record does not establish a continuing or chronic problem of misconduct on the part of Special Agent Reives.

Respectfully submitted,



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Thomas E. Johnson, Hearing Officer

THOMAS E. JOHNSON  
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**CERTIFICATE OF SERVICE**

Service of the foregoing document was made by email and first class mail to:

Illinois State Police Merit Board  
531 Sangamon Avenue East  
Springfield, IL 62702  
[jwebster@ispmeritboard.org](mailto:jwebster@ispmeritboard.org)

on this 28th day of August, 2017.



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Thomas E. Johnson

**RECEIVED**

STATE OF ILLINOIS  
ILLINOIS STATE POLICE MERIT BOARD

OCT 19 2016

ILLINOIS STATE POLICE  
MERIT BOARD

IN THE MATTER OF: )  
                          )  
SPECIAL AGENT CARLTON REIVES ) Illinois State Police  
I.D. No. 4244              ) Merit Board No. 16-2  
[REDACTED]                 )  
                          )

**COMPLAINT**

NOW COMES Leo P. Schmitz, Director of the Illinois State Police, pursuant to 20 ILCS 2610/14 and 80 Ill. Admin. Code § 150.575, and states as follows:

**COUNT I**

**SUBMITTING FALSE REPORTS – INSPECTION REPORTS**

1. Carlton Reives (Respondent) is employed as a State Police Officer by the Illinois State Police (Department) and holds the rank of Special Agent. Respondent has been employed by the Department since September 18, 1989.
2. At all times relevant to this Complaint, Respondent was assigned to the Statewide Gaming Command, Video Gaming Enforcement Unit. Respondent worked as a Gaming Agent at the Video Gaming Unit's Tinley Park office and was responsible for the enforcement of the law, rules, and regulations of the Illinois Gaming Board applicable to video gaming at licensed establishments throughout the Chicago area.

3. In January and February of 2016, the Statewide Gaming Command conducted ongoing inspections of numerous video gaming establishments in the Chicago area during the NFL playoffs and Super Bowl. Respondent volunteered to work an overtime detail on Sunday, January 24, 2016, as part of these inspections. For this detail Respondent was paired with Trooper Boram Kim as a two-man team, and their team was assigned to inspect ten locations in North Riverside and Berwyn. The inspections were to take place between 12:00 p.m. and 5:00 p.m., with up to five hours of overtime authorized if needed.
4. An inspection takes between 20 to 30 minutes if no violations are found, so inspecting all ten establishments would normally take the team the entire five hours of overtime allotted. Rather than work as a team as assigned, Respondent and Trooper Kim split their assigned locations and each agent inspected five locations separately. By performing these inspections separately, Respondent was able to complete his work duties early.
5. While on-duty driving his squad car during the overtime detail on January 24, 2016, Respondent inspected five establishments with video gaming in North Riverside by himself. No violations were observed or reported at any of the locations Respondent inspected. Respondent started his inspections around 12:00 p.m. and was finished around 2:15 p.m.
6. Illinois Tollway I-PASS records for Respondent's squad car document he drove through the toll on I-88 Westbound at York Road in Oakbrook (Plaza 51) at 2:38 p.m. on January 24, 2016. Respondent admitted he was at that location at that

time per these records and that this was after completing his last inspection for the detail. Plaza 51 is 9.5 miles from Respondent's last inspection location, Betty's Bistro located at 7369 West 25th Street, North Riverside, and can take from 14 to 19 minutes or more of travel time depending upon the route driven and traffic.

7. Respondent went off the air at 5:40 p.m. on January 24, 2016, and subsequently submitted a time sheet and an overtime request for the full five hours of overtime allotted, beginning at 12:00 p.m. and ending at 5:00 p.m.
8. On January 26, 2016, Respondent submitted five inspection reports, one report for each of the locations he personally inspected on January 24, 2016. The reports are entitled "Licensed Location Inspection Report" (hereafter an "Inspection Report") and are official Department reports documenting the enforcement activity which Respondent conducted at each establishment. Each of the five Inspection Reports was not truthful in that the time reported for each inspection was false. The five Inspection Reports are listed as follows, along with the approximate time Respondent actually arrived at each location:

A. Location Name: JDM Group Corporation, dba Bar Tini Lounge.

Location Address: 2433 Des Plaines Avenue, North Riverside,  
Illinois

Inspection Date and Time per Report: 01/24/2016 12:00 PM.

Actual Inspection Time: 12:30 PM.

B. Location Name: B.B.N., Inc., dba Village Pub.

Location Address: 8839 West Cermak Road, North Riverside,  
Illinois

Inspection Date and Time per Report: 01/24/2016 01:00 PM.

Actual Inspection Time: 12:00 PM.

C. Location Name: V V Gaming, Inc., dba Spins Cafe

Location Address: 9261 West Cermak Road, North Riverside,  
Illinois

Inspection Date and Time per Report: 01/24/2016 02:00 PM.

Actual Inspection Time: 1:00 PM.

D. Location Name: Anna's Cafe LLC, dba Anna's Café

Location Address: 7501 West Cermak Road, North Riverside,  
Illinois

Inspection Date and Time per Report: 01/24/2016 03:00 PM.

Actual Inspection Time: 1:30 PM.

E. Location Name: Blackhawk Restaurant Group, LLC,

dba Betty's Bistro

Location Address: 7369 West 25<sup>th</sup> Street, North Riverside, Illinois

Inspection Date and Time per Report: 01/24/2016 04:00 PM.

Actual Inspection Time: 2:00 PM.

9. Respondent was directed by Sergeant Thomas Griffin, his immediate supervisor, to submit a memorandum pursuant to the order of Video Gaming Unit

Master Sergeant William Doster, detailing his activities during the January 24, 2016, overtime detail. Sergeant Griffin directed Respondent to include in the memorandum the time he arrived at each location, the person(s) he spoke with, and what he did while there, and to be as honest and accurate as possible with his response. Respondent submitted a memorandum to Sergeant Griffin dated February 16, 2016, with the Subject "Super Bowl Detail." In this memorandum, Respondent stated he arrived at the first inspection location at approximately 12:00 p.m., the second location at approximately 1:00 p.m., the third location at approximately 2:00 p.m., the fourth location at approximately 3:00 p.m., the fifth location at approximately 4:00 p.m., and went 10-42 (off the air) at approximately 5:40 p.m. Respondent's memorandum was not truthful in that the times he reported as arriving at each location were false. Upon information and belief, Respondent falsified his arrival times in order to account for the five hours of available overtime allotted for this detail which he put in for.

10. On July 7, 2016, DII agents conducted an administrative interview of Respondent, after providing Respondent with notice of the allegations under investigation and advising him of his administrative rights and his right to counsel. During his administrative interview, among other statements, Respondent stated as follows: that he performed five inspections during this detail; that Trooper Kim did not accompany him on his inspections; that it takes approximately 15 to 30 minutes to complete each inspection; that all the times he gave were approximate as has no recollection of the time he spent at each

location; that he did not know the time he actually got to or left any location asked of him; that he spent 15 to 30 minutes at each location; while at each location he filled out an inspection checklist by hand; that he did not use his ISP laptop during the detail; that he completed his Inspection Reports in the office the following week; that he spoke with Trooper Kim by phone several times during the detail; that during the last conversation with Trooper Kim each officer advised the other he had completed his five inspections; that after he completed his last inspection at the Blackhawk Restaurant Group he was done for the day; that he did not dispute the accuracy of the I-PASS records showing he passed Plaza 51 on Westbound I-88 at 2:38 p.m. after he had completed all his inspections; that his memorandum was true and accurate; that his Inspection Reports are accurate; that he did not go to the locations Trooper Kim inspected, and Trooper Kim did not go to the locations Respondent inspected; and that he did all his inspections one right after the other.

11. All or a portion of the facts set forth herein constitute Respondent's violation of Department Directive ROC-002, Rules of Conduct, Paragraph III.A.38., which states in pertinent part:

"Reports submitted by officers will be truthful and complete, and no officer will knowingly make false statements, charges or allegations in connection with any Department citations, warnings, assistance rendered, accident reports, field reports, investigative reports, computer

entries or by any other means that creates an official record of the Department."

**(Level 5 Misconduct – First Offense: 60-90 days).**

Respondent violated this rule in that on or about January 26, 2016, he submitted official Department inspection reports regarding video gaming enforcement inspections he conducted during an overtime compliance detail on January 24, 2016, in which he knowingly documented untruthful arrival times to the establishments he inspected.

**COUNT II**

**SUBMITTING FALSE REPORT – DEPARTMENT MEMORANDUM**

- 1-10. Paragraphs 1. through 10., inclusive, of Count I of the Complaint are adopted and incorporated by reference as Paragraphs 1. through 10., inclusive, of Count II as if fully set out herein.
11. All or a portion of the facts set forth herein constitute Respondent's violation of Department Directive ROC-002, Rules of Conduct, Paragraph III.A.38., which states in pertinent part:

"Reports submitted by officers will be truthful and complete, and no officer will knowingly make false statements, charges or allegations in connection with any Department citations, warnings, assistance rendered, accident reports, field reports, investigative reports, computer

entries or by any other means that creates an official record of the Department.”

**(Level 5 Misconduct – First Offense: 60-90 days).**

Respondent violated this rule in that on or about February 16, 2016, he knowingly made false statements in an official Department Memorandum, when he documented untruthful arrival times to the establishments he inspected on January 24, 2016.

**COUNT III**

**FAILURE TO TRUTHFULLY ANSWER**

**QUESTIONS OF A SUPERIOR OFFICER**

- 1-10. Paragraphs 1..through 10., inclusive, of Count I of the Complaint are adopted and incorporated by reference as Paragraphs 1. through 10., inclusive, of Count III as if fully set out herein.
11. All or a portion of the facts set forth herein constitute Respondent's violation of Department Directive ROC-002, Paragraphs III.A.40., which states:

“Upon the order of the Director, Colonel, or a superior officer, officers will truthfully answer all questions specifically directed and narrowly related to the scope of employment and operations of the Department that may be asked of them.”

**(Level 4 Misconduct – First Offense: 31-45 days).**

Respondent violated this rule in that on or about February 16, 2016, he failed to truthfully answer questions specifically directed to him and related to the scope of his employment, when he was ordered by his superior officers, Master Sergeant William Doster and/or Sergeant Thomas Griffin, to document his arrival times to the establishments he inspected on January 24, 2016, and he submitted an official Department Memorandum containing false arrival times.

**CERTIFICATION**

A copy of Illinois State Police Department Directive ROC-002, Rules of Conduct, is provided in the incorporated attachment and is certified by the Director as accurate, complete, and in full force and effect at the time the aforementioned acts were committed.

CONCLUSION

WHEREFORE, by reason of these facts and charges, I request the Illinois State Police Merit Board conduct a hearing in this matter and suspend Respondent from employment with the Illinois State Police for a period in excess of thirty (30) days as the Merit Board, in the exercise of its discretion, deems warranted.

Respectfully submitted,

  
\_\_\_\_\_  
Leo P. Schmitz, Director

Illinois State Police  
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